IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO: 21620 of 2004

Between:

G.Obul Reddy, S/o G.Obul Reddy,
Thappetavari Palli Village, Gangapuram Post, Vantimitta Mandal, Kadapah District

.... PETITIONER

AND

1 The Joint Collector, Kadapah, Kadapah District
2 The Revenue Divisional Officer, Rajampet, Kadapah

District
3 The Mandal Revenue Divisional Officer, Vantimitta Mandal,

Kadapah District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in Ref.D/1170/2004, dated 19-10-2004 issued by the 2nd respondent and the consequential proceedings of the 1st respondent in L.Dis.no.1 (3)3223/2004, dated 18-11-2004 as arbitrary, illegal, politically motivated, contrary to the provisions of the A.P. State Public Distribution System control Order, 2001 and violative of the principles of natural justice apart from being violative of the fundamental rights guaranteed to the petitioner under Articles 14 & 19 (1)(g) of the constitution of India and consequently set aside the proceedings in Ref.D/1170/2004, dated 19-10-2004 issued by the 2nd respondent.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

The petitioner was appointed as a Fair Price Shop Dealer for Thappetavaripalli Village in Vantimitta Mandal, Kadapa District, in the year 1988. His authorization was suspended by the 2nd respondent through proceedings, dated 19.10.2004. Aggrieved thereby, initially, he filed W.P.No.20290 of 2004. This Court disposed of the writ petition leaving it open to him to avail the remedy of appeal before the 1st respondent. Thereafter, the petitioner filed an appeal before the 1st respondent. The appeal was dismissed through order, dated 18.11.2004.

Learned counsel for the petitioner submits that the orders, dated 19.10.2004, passed

by the 2nd respondent and the one dated 18.11.2004, passed by the 1st respondent, are clear instances of non-application of mind. He submits that in the report submitted by the Mandal Revenue Officer, which constituted the basis for suspension, it was clearly stated that the petitioner has been distributing the commodities regularly, and despite the same, the orders came to be passed, obviously under political pressure.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Normally, this Court does not interfere with the orders of suspension, once an appellate authority refuses to suspend the same. This is one of the rare cases, where the material, which is said to be the basis for an order, does not support it.

A perusal of the order, dated 19.10.2004, passed by the 2nd respondent, discloses that the authorization was suspended, solely on the basis of the report, dated 13.10.2004, submitted by the 3rd respondent. After discussing the version that was presented by the Card Holders, on the one hand, and the petitioner, on the other hand, the 3rd respondent observed in his report as under:

> "In this connection, my confidential enquiry also reveals, that G.Obul Reddy, F.P. shop Dealer is regular in lifting the Essential Commodities and properly distributing Essential Commodities to the card holders. After recent elections, some of the interested persons of Tappetavaripalli village are trying to get the dealership cancelled and to get F.P. shop in their favour."

From a perusal of the same, it is clear that the petitioner has been distributing the commodities without any complaint and that there did not exist any basis for action against him. Still the authorization was suspended. Neither the 2nd respondent while passing the order of suspension, nor the 1st respondent while rejecting the appeal, appear to have paid attention to the vital portion of the report.

Hence, this Court is of the view that the suspension of authorization of the petitioner cannot be sustained. The impugned order, dated 19.10.2004, passed by the 2nd respondent is set aside. It is, however, left open to the 2nd respondent to take such steps as are open to him in law against the petitioner, in case, any specific instances of irregularities are noticed, duly following the procedure.

The writ petition is allowed accordingly. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 25th November, 2004

Note: Furnish copy in

three days.

(B/o.)

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To

1 The Joint Collector, Kadapah, Kadapah District
2 The Revenue Divisional Officer, Rajampet, Kadapah

District
3 The Mandal Revenue Divisional Officer, Vantimitta Mandal,

Kadapah District

4 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

5 2 CD copies